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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,392	07/02/2001	Makoto Endou	040405-0340	1410

22428 7590 01/09/2007  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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COBANOGU, DILEK B

ART UNIT	PAPER NUMBER
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3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/895,392	<b>Applicant(s)</b> ENDOU, MAKOTO	
	<b>Examiner</b> Dilek B. Cobanoglu	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/16/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Notice to Applicant*

1. This communication is in response to the amendment filed 04/24/2006. Claims 1-15 remain pending. Claims 1 and 9 have been amended.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 5, 9, 10, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (U.S. Patent No. 5,619,991) in view of Sato et al. (hereinafter Sato) (U.S. Patent No. 5,911,687).

A. Claim 1 is amended now to recite " a pharmacy terminal for giving instructions on delivery to the user of the medicine compounded at said compounding facility based on said medical examination chart and said medical equipment and sending the instruction result as delivery information to said user terminal and said medical center terminal". Sloane reference teaches a pharmacy site which receives a prescription (direction) for medications of a patient (Sloane; col. 6, lines 47-51) and making the prescription ready for the patient. For the amended claim 1,

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Sloane fails to expressly teach the "delivery to the user of the medicine compounded", per se, since it appears that Sloane is more directed to patient directed to pick up his/her medication (Sloane; col. 6, lines 47-51). However, this feature is well known in the art, as evidenced by Sato.

In particular, Sato discloses a " a pharmacy terminal for giving instructions on delivery to the user of the medicine compounded at said compounding facility based on said medical examination chart and said medical equipment and sending the instruction result as delivery information to said user terminal and said medical center terminal" (Sato; col. 10, line 63-col. 11, line 11).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Sato with the motivation of patient at home to get medicine from a preferred favorite doctor in a remote area (Sato; col. 11, lines 9-11).

B. Claims 2, 4, 5, 10, 11, 12 have not been amended; the Applicant does not appear to argue the separate patentability of these claims. As such, claims 2, 4, 5, 10, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (U.S. Patent No. 5,619,991) in view of Sato et al. (hereinafter Sato) (U.S. Patent No. 5,911,687) for the same reasons given in the previous Office Action (page numbers 3-4 and 5), and incorporated herein.

C. Claim 9 is amended to recite the same limitations as recited on claim 1.

Therefore claim 9 is also rejected with the same reasons given in rejection of claim 1 and incorporated herein.

D. Claim 3 has not been amended; the Applicant does not appear to argue the separate patentability of this claim. As such, claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (U.S. Patent No. 5,619,991) and Sato et al. (hereinafter Sato) (U.S. Patent No. 5,911,687) as described in rejection of claim 1 and further in view of Chen et al. (U.S. Patent No. 5,553,609) for the same reasons given in the previous Office Action (page numbers 6-7), and incorporated herein.

E. Claims 6, 7, 8, 13, 14 and 15 have not been amended; the Applicant does not appear to argue the separate patentability of these claims. As such, claims 6, 7, 8, 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (U.S. Patent No. 5,619,991) and Sato et al. (hereinafter Sato) (U.S. Patent No. 5,911,687) as described in rejection of claim 1 and further in view of Cumming Jr. (U.S. Patent No. 5,301,105) for the same reasons given in the previous Office Action (page numbers 7-10), and incorporated herein.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DBC  
DBC  
Art Unit 3626  
01/04/2007

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER